

13 PGS.

RECEIPT NUMBER

200 508433

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CURTIS N. McGUIRE and  
CURTIS N. McGUIRE, JR.

04-72044

Plaintiffs,

-VS-

Case No. 04  
Hon.

PAUL D. BORMAN

MAGISTRATE JUDGE PEPE

CITY OF ALLEN PARK and its  
POLICE CHIEF KENNETH DOBSON,  
in his official and unofficial capacity,  
and its former MAYOR LEVON KING,  
in his official and unofficial capacity,  
and its current MAYOR RICHARD HUEBLER  
in his official and unofficial capacity,  
Jointly and Severally,

Defendants.

RAYMOND GUZALL III (P60980)  
BARRY A. SEIFMAN (P20197)  
Seifman & Associates, P.C.  
Attorneys for Plaintiffs  
30665 Northwestern Highway #255  
Farmington Hills, MI 48334  
(248) 538-0711

U.S. DIST. COURT CLERK  
EAST DIST. MICH.  
DETROIT-PSG

04 MAY 28 PM 2:07

FILED

There is another civil action arising out of the same transaction or occurrence currently pending before this Court, in front of Judge Arthur J. Tarnow, case name of Marcos Madrigal and Elsa Madrigal vs The City of Allen Park and Its Police Chief Ken Dobson, Case No. 01-73911. The Plaintiffs herein were retaliated against in whole or in part for giving truthful testimony in the above-cited Madrigal lawsuit.

VERIFIED COMPLAINT AND JURY DEMAND

NOW COME Plaintiffs Curtis N. McGuire and Curtis N. McGuire, Jr., by and through their attorneys at Seifman & Associates, P.C., and hereby complain against Defendants City of Allen Park and its Police Chief Kenneth Dobson, in his official

and unofficial capacity and the City of Allen Park's former **Mayor Levon King**, in his official and unofficial capacity, **Mayor Richard Huebler** in his official and unofficial capacity, jointly and severally, and so states as follows:

**COUNT I**  
**VIOLATION OF CONSTITUTIONAL RIGHTS, FALSE ARREST AND IMPRISONMENT**  
**AND FILING OF FALSE CLAIMS/CHARGES AND/OR MALICIOUS PROSECUTION,**  
**AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1. That Plaintiffs Curtis N. McGuire and Curtis N. McGuire, Jr., at all times pertinent hereto were residents of the City of Allen Park, County of Wayne, State of Michigan.
2. The Defendant City of Allen Park is a municipality within Wayne County, State of Michigan with its City Hall located at 16850 Southfield Road, Allen Park, Michigan 48101.
3. The Defendant Police Chief Kenneth Dobson, in his official and unofficial capacity, is the Chief of Police for the City of Allen Park with his office located within Wayne County, State of Michigan, within the Allen Park City Hall located at 16850 Southfield Road, Allen Park, Michigan 48101.
4. The former Mayor of Allen Park Levon King is a resident of the City of Allen Park and currently lives at 6321 Osage Avenue, Allen Park, MI 48101.
5. That both Plaintiffs herein were and continually are being subjected to retaliation, harassment, and an offensive, intimidating and adverse and hostile work environment in violation of the State of Michigan's state public policy to speak honestly and frankly about any matters of public concern, employees or person's rights, and their constitutional rights including but not limited to violations of the

First and Fourteenth Amendments and §1983 under color of law and intentional infliction of emotional distress, and mental anguish and said allegations being incorporated into each paragraph within this Complaint.

6. On May 29, 2002, Curtis McGuire testified at a Civil Service Commission hearing involving charges filed by Police Chief Ken Dobson against Officer Marcos Madrigal.
7. Curtis McGuire testified at that hearing that Chief Dobson referred to his next door neighbor as a Mexican.
8. Curtis McGuire further testified at the May 29, 2002 Commission hearing that Chief Dobson referred to Marcos Madrigal as a Mexican.
9. In June of 2002, a closed meeting was held with the City of Allen Park Mayor Levon King and council, insurance representatives, the City Clerk Beverly Kelley, the City Administrator Kevin Welch and City attorneys and involved discussions with Curtis McGuire, Malcolm Beaton and Gary Dell.
10. At a civil service commission hearing in Allen Park, and prior to Mr. McGuire's testimony, Chief Dobson testified that he did not refer to Mr. Madrigal as a Mexican.
11. At a later date after Mr. McGuire testified in the commission hearing, Chief Dobson testified at a deposition in the Madrigal lawsuit that he did not recall referring to Mr. Madrigal as a Mexican.
12. On June 19, 2002, Curtis McGuire testified at a deposition in regard to the lawsuit filed by Marcos and Elsa Madrigal.
13. After Curtis McGuire testified in the Civil Service Commission hearing and the

Madrigal lawsuit, he was continually harassed and retaliated against by the City of Allen Park, Chief Kenneth Dobson and Mayor Levon King.

14. On January 14, 2003, Curtis McGuire signed an Affidavit stating that he was present during a conversation with Mayor Levon King where Mayor Levon King stated that Chief Ken Dobson is a crook and the police auction was crooked.
15. Curtis McGuire further stated in the January 14, 2003 Affidavit that Mayor Levon King stated the City's towing bills and contract were also crooked and that he had records.
16. The January 14, 2003 Affidavit of Mr. McGuire mentions conversations with Mayor Levon King in regards to the Madrigal lawsuit.
17. On January 30, 2003, Curtis McGuire signed an Affidavit stating that he believed the sole purpose of the closed meeting held in the summer of 2002 was to intimidate him and others who had already testified, who might later testify at Commission hearings regarding termination of Mr. Madrigal or in regards to Mr. Madrigal's lawsuit.
18. On March 11, 2003, Curtis McGuire and Curtis McGuire, Jr. attended the Allen Park City Council meeting.
19. At the March 11, 2003 Allen Park Council meeting, Curtis McGuire was arrested.
20. Approximately ten police officers attended the March 11, 2003 Council meeting.
21. On occasion, only one or two police officers attend City Council meetings in uniform, if any.
22. The City's Police Department videotaped the arrest of Mr. McGuire.
23. Prior to the March 11, 2003 commencement of the Allen Park council meeting, it

was decided by the City of Allen Park through its Police Chief Ken Dobson and/or its Mayor Levon King that Mr. McGuire was going to be arrested at the March 11, 2003 City Council meeting.

24. At the time of the March 11, 2003 Council meeting, the City Council for Allen Park followed Roberts Rules of Order.
25. After Curtis McGuire was notified by Mayor Levon King that his time for speaking had elapsed, other persons in the audience stated that they would give their five minutes to Curtis McGuire in order to finish his statements before Council.
26. Prior to March 11, 2003 and after that date, it has been normal practice for the Mayor and Council of the City of Allen Park to allow persons an extra five minutes if given/offered by another audience member.
27. Prior to March 11, 2003, Mr. McGuire was given extra time by the Mayor and Council when he previously addressed the Mayor and Council because other persons in the audience had given him their time so he could finish speaking.
28. Curtis McGuire was wrongfully and falsely arrested and imprisoned on March 11, 2003.
29. The Allen Park Police Department did seek prosecution against Mr. McGuire.
30. The Prosecutor's Office denied the warrant request by the Allen Park Police Department as to Mr. McGuire.
31. Curtis McGuire, Jr. was charged with an assault and battery against a police officer on March 11, 2003.
32. Curtis McGuire, Jr. was videotaping the arrest of his father when Officer Riviera bumped into Curtis McGuire, Jr. while he was also continuing to videotape the

arrest of Curtis McGuire.

33. Curtis McGuire, Jr. was wrongfully charged with assault and battery of a police officer.
34. The false charges filed against Curtis McGuire, Jr. were in whole or in part a retaliation against Curtis McGuire for his testimony and Affidavits in the Marcos Madrigal lawsuit.
35. The false charges filed against Curtis McGuire, Jr. were in whole or in part levied in order to dissuade Curtis McGuire from testifying truthfully at the upcoming Madrigal trial.
36. The false arrest of Curtis McGuire was in whole or in part due to his testimony and Affidavits in the Marcos Madrigal lawsuit.
37. The false arrest of Curtis McGuire was in whole or in part done in order to dissuade him from testifying truthfully at the upcoming Madrigal trial.
38. Mayor Levon King ordered the arrest of Curtis McGuire on March 11, 2003.
39. After Mr. McGuire was arrested, the arresting officer read Mr. McGuire the ordinance/law that he was being charged with.
40. In December of 2002, Curtis McGuire, Jr. became an Allen Park Public Safety Commissioner.
41. On or about May 5, 2003, Ken Dobson filed charges against Curtis McGuire, Jr. alleging violations of the City's ethics ordinance.
42. Those charges on or about May 5, 2003 brought by Ken Dobson were brought in whole or in part due to Curtis McGuire's testimony and Affidavits in the Marcos Madrigal lawsuit and in whole or in part to dissuade him from testifying truthfully

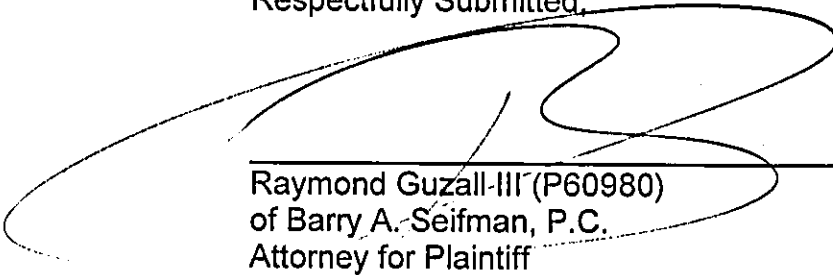
at the upcoming Madrigal trial.

43. Those charges on or about May 5, 2003 brought by Ken Dobson were dismissed on or about May 29, 2003 as no violations occurred.
44. On or about February 24, 2004, City Attorney David Tamsen by direction of Mayor Richard Huebler filed charges against Curtis McGuire, Jr. alleging violations of the City's ethics ordinance.
45. Curtis McGuire Jr. made inquiries to the City to find out what he was being charged with and why, because the alleged violations failed to coincide with any City rules or policies.
46. The City of Allen Park failed to respond to Curtis McGuire Jr.'s requests.
47. At an April 2004 City council meeting, Curtis McGuire Jr. requested that the February 24, 2004 charges against him be dismissed.
48. To date, the February 24, 2004 charges against Curtis McGuire Jr. remain.
49. All charges against Curtis McGuire Jr. stated within this complaint were published in the newspapers and had an adverse affect on his reputation and standing in the community.
50. That Plaintiffs Curtis McGuire and Curtis McGuire Jr. each have been damaged thereby in excess of Seventy-Five Thousand (\$75,000.00) Dollars.
51. That the conduct of the Defendants is so outrageous it calls for exemplary damages.

WHEREFORE, Plaintiffs, Curtis McGuire and Curtis McGuire Jr. pray for judgment against Defendants, **CITY OF ALLEN PARK** and **IT'S POLICE CHIEF**

KENNETH DOBSON IN HIS OFFICIAL AND UNOFFICIAL CAPACITY and its former MAYOR LEVON KING, in his official and unofficial capacity and Mayor Richard Huebler in his official and unofficial capacity jointly and severally, in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars each, plus costs and interest including past and future damages, exemplary damages, and attorney fees.

Respectfully Submitted,



Raymond Guzall-III (P60980)  
of Barry A. Seifman, P.C.  
Attorney for Plaintiff  
30500 Northwestern Hwy, Ste 425  
Farmington Hills, MI 48334  
(248)538-0711

Dated: 5-26-04

I hereby verify that I have read the foregoing complaint and that the contents thereof are true to the best of my knowledge, information and belief.



CURTIS MCGUIRE




CURTIS MCGUIRE, JR.

STATE OF MICHIGAN )  
(ss:




COUNTY OF WAYNE )

Before me a Notary Public in and for the County of Wayne, State of Michigan, on this 26<sup>th</sup> day of MAY, 2004, personally appeared the above named, CURTIS MCGUIRE and CURTIS MCGUIRE, JR., who being first duly sworn, did depose and say that they have read the foregoing Verified Complaint, by them subscribed, and stated that the matters set forth therein are true and correct to the best of their knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters they believe them to be true; further, that there is no collusion, understanding, or agreement between your Plaintiffs and Defendants herein in relation to their Complaint.

  
\_\_\_\_\_  
Notary Public ~~Wayne~~ County, MI  
My Commission Expires: 2-6-2008  
Oakland

Respectfully Submitted,

  
\_\_\_\_\_  
Raymond Guzall III (P60980)  
Seifman & Associates, P.C.  
Attorney for Plaintiff  
30665 Northwestern Hwy, Ste. 255  
Farmington Hills, MI 48334  
(248) 538-0711

Dated: May 26, 2004

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CURTIS N. McGUIRE and  
CURTIS N. McGUIRE, JR.

04-72044

Plaintiffs,

Case No. 04

-VS-

CITY OF ALLEN PARK and its  
POLICE CHIEF KENNETH DOBSON,  
in his official and unofficial capacity,  
and its former MAYOR LEVON KING,  
in his official and unofficial capacity,  
and its current MAYOR RICHARD HUEBLER  
in his official and unofficial capacity  
Jointly and Severally,

PAUL D. BORMAN

MAGISTRATE JUDGE PEPE

U.S. DIST. COURT CLERK  
EAST DIST. MICH.  
DETROIT-PSG

04 MAY 28 PM 2:07

FILED

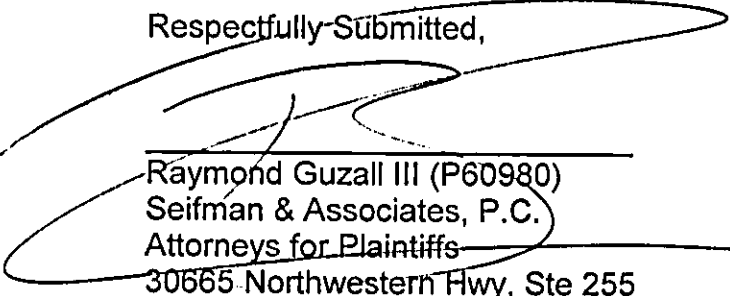
Defendants.

RAYMOND GUZALL III (P60980)  
BARRY A. SEIFMAN (P20197)  
Seifman & Associates, P.C.  
Attorneys for Plaintiffs  
30665 Northwestern Highway #255  
Farmington Hills, MI 48334  
(248) 538-0711

JURY DEMAND

NOW COME Plaintiffs **Curtis N. McGuire** and **Curtis N. McGuire, Jr.**, by and through their attorneys at **Seifman & Associates, P.C.**, hereby demand trial by Jury in the above entitled cause of action.

Respectfully Submitted,

  
Raymond Guzall III (P60980)  
Seifman & Associates, P.C.  
Attorneys for Plaintiffs

30665 Northwestern Hwy, Ste 255

Farmington Hills, MI 48334  
(248) 538-0711

Dated: May 26, 2004

ORIGINAL

04-72044

JS 44 11/99

**CIVIL COVER SHEET** COUNTY IN WHICH THIS ACTION AROSE: Wayne

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**I. (a) PLAINTIFFS**

Curtis N. McGuire &  
Curtis N. McGuire Jr.

(b) County of Residence of First Listed

Wayne 26663

**DEFENDANTS**

City of Allen Park, Police Chief Kenneth Dobson, in his official and unofficial capacity, former Mayor Levon King and current Mayor Richard Huebler in their official and unofficial capacity. Jointly & Severally

County of Residence of First Listed

Wayne

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

**PAUL D. BORMAN**

**MAGISTRATE JUDGE PEPE**

(c) Attorney's (Firm Name, Address, and Telephone Number)

Raymond Guzall III (P60980), Barry A. Seifman ((P20197) Seifman & Associates, P.C., 30665 Northwestern Hwy. #255, Farmington Hills, MI 48334 (248)538-0711

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item 111)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PLA <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PLA <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another                      | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal of Business In Another State   | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

POSSIBLE

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Resubmitted  
☐ 5 Transferred from another district (specify)  
☐ 6 Multi district Litigation  
☐ 7 Judge from District  
☐ Appeal to District  
☐ Appeal to Magistrate

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Section 1983, Violation of Constitutional Rights, False arrest and imprisonment, etc.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$DEMAND

Over \$75,000 each

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE

ARTHUR J. TRAINOR

DOCKET NUMBER

01-73911

DATE

5-26-04

SIGNATURE OF ATTORNEY OF RECORD

*[Signature]*

## PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☒ Yes  
☐ No

If yes, give the following information:

Court: United States District Court, Eastern District of Michigan

Case No.: 01-73911

Judge: Arthur J. Tarnow

### Notes :

---

There is another civil action arising out of the same transaction or occurrence currently pending before this Court, in front of Judge Arthur J. Tarnow, case name of Marcos Madrigal and Elsa Madrigal vs The City of Allen Park and Its Police Chief Ken Dobson, Case No. 01-73911. The Plaintiffs herein were retaliated against in whole or in part for giving truthful testimony in the above-cited Madrigal lawsuit.

---